# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
# REGION 2, ECAD-WCB
**21st Floor, 290 Broadway, New York, NY 10007**

## Clean Water Act (CWA) Inspection Report

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|---|---|
| **Program:** Industrial Stormwater | **Inspection Type:** Compliance Evaluation Inspection (CEI) |
| **Permittee Name:** Moonbeam Gateway Marina, LLC | **NPDES/ICIS No.:** NYR00G268 |
| **Inspection Entry Date:** October 15, 2021<br>**Inspection Entry Time:** 10:00 AM | **Inspection Exit Date:** October 15, 2021<br>**Inspection Exit Time:** 4:00 PM |
| **Facility Inspected:** Moonbeam Gateway Marina<br>3260 Flatbush Ave., Brooklyn, NY 11234 | **Lat, Long:** 40.588148°, -73.899771°<br>**NAICS / SIC Code:** SIC Code 4493 (Marinas) Sector Q and 3732 (Boat Building and Repairing) and Sector R |
| **State Representative(s):** None. | |
| **U.S. Government Representatives**<br>Murray Lantner, P.E. Env. Eng. EPA Region 2, ECAD, Lantner.Murray@epa.gov, (212) 637-3976<br>Raffique Khan, Environmental Protection Specialist, U.S. NPS-GNRA, raffique_khan@nps.gov, 718-815-4972<br>Kelly Griffith, Special Land Use Program Manager, U.S. NPS-GNRA, kelly_griffith@nps.gov, 718-815-4436 | |
| **On-site Facility Representative(s):** Irina Lukyanenko, Office Mgr. (718) 252-8761, i.lukyanenko@mlgpllc.com, gatewaymarina@mlgpllc.com<br><br>Vasyl Gogol, Yard Manager, v.gogol@mlgpllc.com | |
| **Other Facility Representatives(s):**<br><br>Dino Reynosa (Via Telephone), Corporate Director Operations and Facilities, (702) 544-6245, d.reynosa@mlgpllc.com | |
| **Responsible Official:** Steven Maksin, Owner, Moonbeam Gateway Marina s.maksin@mlgpllc.com,<br>Shawl Pryor, Chief Operating Officer, s.pryor@mlgpllc.com | |

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| **Name and Signature of Inspector**<br>**Murray Lantner, P.E. Env. Eng.**<br>MURRAY LANTNER | **Agency/Office/Phone Number**<br>**DECA-WCB (212) 637-3976**<br>Digitally signed by MURRAY LANTNER<br>Date: 2021.12.13 12:05:13 -05'00' | **Date** |
| **Name and Signature of Management QA Reviewer**<br>Digitally signed by Modigliani, Justine<br>Date: 2021.12.14 08:49:54 -05'00'<br>**Justine Modigliani, P.E. Env. Eng.** | **Agency/Office/Phone Number**<br>**DECA-WCB (212) 637-4268** | **Date** |

## I. INTRODUCTION:

On October 15, 2021, a United States Environmental Protection Agency (EPA) Region 2 representative along with two representatives of the U.S. National Park Service, Gateway National Recreation Area, conducted an industrial stormwater Compliance Evaluation Inspection ("CEI") at the Moonbeam Gateway Marina 3260 Flatbush Ave., Brooklyn, NY 11234 ("Facility" or "Site"). Mr. Murray Lantner (EPA Inspector) led the inspection and presented credentials to the Facility representatives and conducted an opening conference upon arrival. The EPA inspector was accompanied by Kelly Griffith and Raffique Khan of the National Park Service. Weather conditions at the time of the inspection were sunny with no precipitation.

On or about December 31, 2018, the Facility submitted a Notice of Intent ("NOI") (See Attachment 2) to gain coverage under the New York State Department of Environmental Conservation ("NYSDEC") State Pollutant Discharge Elimination System ("SPDES") Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity ("MSGP") GP-0-17-004. The Facility received coverage under this Permit in January 2019 (NOI received by NYSDEC on January 2, 2019) under Permit ID No. NYR00G268. The NYSDEC MSGP GP-0-17-004 Permit became effective on March 1, 2018, was modified on March 2, 2020, and expires on February 28, 2023 (hereinafter, "MSGP" or "Permit"). Prior to the current Operator obtaining coverage, the Facility was Operated by a different entity, Gateway Marina at Barren Island, that also had MSGP coverage under Permit Id No. NYR00E924. The NOI for the MSGP indicated that the Facility is Primarily covered under Standard Industrial Category ("SIC") 4493 (Marinas) and a Secondary SIC Code 3732 (Boat Building and Repairing). These two sectors are regulated under Sectors Q (Water Transportation) and Sector R of the MSGP (Ship & Boat Building or Repair Yards). Stormwater discharges from the Facility are Permitted through Outfalls 001 through 011 to the Western Portion of Jamaica Bay (Dead Horse Bay). A Representative outfall waiver was filed to initially indicate that Outfall 006 was representative of the other outfalls (as the worst-case scenario given proximity to pressure washing, launching, equipment operation, etc.). Outfall 006 was subsequently renamed to Outfall 008 as other outfalls were added in 2019.

The Facility has a dock, boat ramp, boat lift, boat storage, conducts boat maintenance including pressure washing, painting, engine service, fueling. Bathrooms at the Facility discharge to holding tanks which are then periodically pumped out by a contractor and transferred off-site. There is no sanitary sewer connection to the Facility. The NYC sanitary sewer is located on the opposite side of Flatbush Avenue, and there is no lateral connection to the Marina. The Facility is about 12.5 acres of which the majority is unpaved boat storage areas and a smaller portion which is developed/paved services for parking, boat ramps, and some of the roadways and service operations.

## II. FINDINGS AND OBSERVATIONS:

### A. POTENTIAL NONCOMPLIANCE ITEMS:

1. Part I.B.2 of the Permit (Non-Stormwater Discharges Authorized) and Part II.A.9 identify that only allowable non-stormwater Per 6 NYCRR Part 750-1.2(a)(29)(vi) are authorized under the Permit. Appendix H.15 of the Permit requires Proper Operation and Maintenance of the Facility. Part II.A.2 of the Permit requires Good Housekeeping to minimize pollutant discharges. Part III.A.7 of the Permit requires that Stormwater Controls be described in the SWPPP and Part I.D requires implementation of the SWPPP. As described below, the Facility failed to conduct Good Housekeeping and Operation and Maintenance as required by the Permit:

    a. During the inspection a sanitary wastewater tank (the 2nd most southern tank of the 4 tanks) that holds wastewater from on-site toilets, sinks, showers, and boat pump outs, was full and overflowing (See Photos, Attachment 1, DSCN1004 ("1004") to 1015). There was sanitary wastewater on the tank and around the tank (on the ground); and based on the sewage odor, visual appearance (greyish and translucent) and using an ammonia test strip (Mardell range 0 to 6 mg/L – not the EPA approved method) there was an ammonia concentration of 6 mg/L or greater in the puddled wastewater on and around the tank (Typical concentrations of ammonia in sanitary wastewater range between 12 to 49 mg/L per https://www.epa.gov/sites/default/files/2019-02/documents/nutrient-control-design-manual-state-tech.pdf). When some force was put on the top of the tank, wastewater exited the tank

from around the lid. Discharges of sanitary wastewater to Jamaica Bay are not authorized under this Permit, and during a rain event the spilled sewage could enter Jamaica Bay. Part VII.Q of the Permit specifically prohibits discharges of sanitary wastes. Different Marina representatives reported different tank pump-out schedules including twice per week, once per week, or that there were pump-outs upon requested. Marina representatives said that wastewater levels in the tanks were not being routinely checked. Near the close of the inspection, a sewage pump truck (Cesspool Man) came and pumped down the 5 on-site sanitary wastewater tanks (See Photo 1128, Att. 1). At the close of the inspection and on follow up phone calls the Facility said that they would conduct bathroom tank checks twice per day to ensure that there would be no overflows and would install a high-level alarm system on the sanitary wastewater tanks;

b. As shown in Photos 1016 to 1021, 1124, and 1125 (Att. 1) the sorbent boom around the trash compactor was worn and flattened and beyond its useful life. Additionally, the photos show that the trash compactor area had been recently washed down with water from a hose. Note that 6 NYCRR Part 750-1.2(a)(29)(vi) prohibits pavement wash waters where spills or leaks of toxic or hazardous materials have occurred. Given that there is a potential for the contents of the trash compactor to exhibit toxicity, washdown water from the compactor area should be collected and disposed of with the sanitary wastewater. The Facility should explore installation of a berm around the trash compactor to capture washdown water and properly dispose of the sanitary wastewater.

c. As shown in Photos 1022-1024, 1027 to 1034, 1038-1040, and 1042 to 1047 (Att. 1). The pressure wash machine and containment was used during the inspection to pressure wash the bottom of a boat. The wastewater from the pressure wash is collected and returned to the pressure wash recycle system where the wastewater is filtered and stored and reused in pressure washing. However, during a filter backwash, the flow from the backwash overflowed the backwash filter trough and overflowed onto the ground (See Att. 1 - Photos 1045 to 1047). The overflowing wastewater did not flow into Jamaica Bay at this time, However, during a rain event the pollutants discharged onto the paved surface would flow down the boat ramp and into Jamaica Bay. Additionally, Part VII.Q of the Permit specifically prohibits pressure wash waters. Note that Part II.A.8.b of the MSGP states that the owner or operator must train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit, at a minimum, annually. Operators at the Facility, at the time of the inspection did not appear to have been fully trained on all procedures required for operating and backwashing the pressure wash system as required Part II.A.8.b of the MSGP. Additionally, several of the monthly routine inspections from September 2020 to February 2021 identified that pressure wash water was not being properly contained on 9/22/20, 9/28/ 20, November 2020, December 2020, and January 2021 (See reports in Attachment 3);

d. As shown in Photos 1051 to 1056, 1058 to 1069, 1081-1087, 1100 to 1110 (Att. 1) there were several structures, that have not been properly maintained or eliminated and replaced (including sheds, shipping containers and the Quonset hut) where oil, used oil, gasoline, batteries, a compressor, equipment and other materials are stored. The Quonset hut and several sheds/containers have leaking walls and/or roofs where stormwater could contact the materials stored inside or spilled on the floor inside, and then this contaminated stormwater can discharge out of stormwater outfalls.

e. As shown in photograph 1107 (Att. 1) there was an open bucket with used oil inside the Quonset Hut that represents a spill risk.

f. As shown in photos 1068 to 1076 (Att. 1) there were debris and rusting boat stands stored outside, west of and northwest (bay side) of the Quonset Hut near stormwater outfalls 009 and 010. Based on communications with the Marina representatives following the inspection, they committed to either removing this material or to move it under cover and/or away from the stormwater outfalls. Debris and rusting metal contribute pollutants including metals to the Stormwater Outfalls. Section 4.0 of the August 2, 2019, compliance path written by a contractor for the Facility (see Issue 3 below) identified a number of issues including an issue similar to the one identified above.

**Issue 3:** A seemingly excessive volume of metal parts are found both inside and outside the shop.

**Recommended Actions:** Evaluate the necessity of storage of the materials and recycle as much as possible.

Relocate stored materials out of exposed areas to the maximum extent possible per MSGP requirements.

g. As shown in photos 1079 and 1080 (Att. 1) there was an uncovered trash dumpster outside exposed to Stormwater. Part 7.A.1 of the SWPPP (Stormwater Controls – Good Housekeeping) indicates that dumpsters and waste containers are to be kept covered. See SWPPP section below.

contamination to stormwater associated with marina operations.

7.A.1 Yard and Docks

Docks are kept free of residue and spills.

Management and staff maintain the parking areas, docks, lawns and gravel-covered areas where boats are stored.

Floatables are promptly removed.

Carcasses and fish waste are regularly removed to a covered dumpster.

Outside areas are kept in orderly condition. Exposed areas are kept free of unused items and material.

Empty or damaged containers are promptly disposed.

Dumpsters and waste containers are kept covered. Refuse is removed regularly. The area around the trash compactor is kept clean.

Items stored outside are covered whenever possible.

Special attention is paid to the perimeter of the site, where litter or spilled materials are likely to be conveyed to the receiving waterbody

h. As shown in photos 1113 to 1118 (Att. 1), in the northeastern portion of the marina there was evidence that a boat bottom was scraped to remove attached growth. There were scrapings (mussels and paint chips) on the ground that were not properly disposed of. Part 7.A.6 of the SWPPP, seen below, indicates that tarps will be used beneath boats and the material will be properly collected and disposed of. Part VII.Q of the Permit requires that paint chips and overspray not be discharged.

local fire codes. Containers are properly labeled.

7.A.6 Debris from Surface Preparation

Tarps or the equivalent are used underneath boats to contain waste and spent materials.

A temporary curtain is set up around a boat in windy conditions and whenever needed prevent particles and dust may escape to surrounding areas. Blasting or sanding prohibited during windy conditions when containment is not possible.

Un-contained blasting and sanding over open water is prohibited.

Waste is properly collected and disposed.

Additionally, the Marina must identify how it is disposing of boat scrapings and must properly dispose of the scrapings on the ground in accordance with all local, state and federal regulations.

i. As shown in the following photographs in Attachment 1, the following materials were stored outside and not under cover:
    i. As shown in photos 1025 and 1026 was an open drum marked glycol was stored outside of maintenance shop;
    ii. Photo 1119 identified a Lacquer can stored under boat on the ground outside in the northern part of the yard
    iii. Photo 1123 – apparent paint can stored outside in bucket in northern part of yard.

Many of the above items (e.g. holes in roofs and walls of storage/maintenance areas, rusting boat stands stored near outfalls, condition of boom around trash compactor) were not identified in the monthly routine inspection conducted, by in-house staff, on September 30, 2021 ( See Attachment 4).

2. Part II.A.10 of the MSGP states that the owner or operator must ensure that waste, garbage, and floatable debris are not discharged to surface waters of the state by keeping exposed areas free of such materials or by intercepting them before they are discharged. The monthly routine inspections report from September 2020 to February 2021 (Att. 3) identified litter and debris in different portions of the Site. Also, as shown in photos 1070 to 1075, 1096,1097, 1113-1118, 1123 there was debris, paint cans, dock sections stored outside that could potentially be discharged during severe flooding events.

3. Pollutant Benchmark data from EPA's Enforcement and Compliance History Online (ECHO database) from the second half of 2019 to the first half of 2021 indicates the following benchmark exceedances. Part V.A of the Permit requires that corrective actions for benchmark exceedances be completed within 12 weeks after discovery, unless written approval from the Regional Water Engineer is obtained. Based upon photographs in Attachment 1 which show corroding roofs, boat stands stored near an outfall, and other exposed materials during the inspection as well as lack of documentation of corrective actions indicate that necessary corrective actions required by Part V.A. of the Permit were not identified or taken. Additionally, Part III.E.2 of the Permit requires SWPPP modifications when the SWPPP is found to be ineffective in controlling or minimizing pollutant discharges.

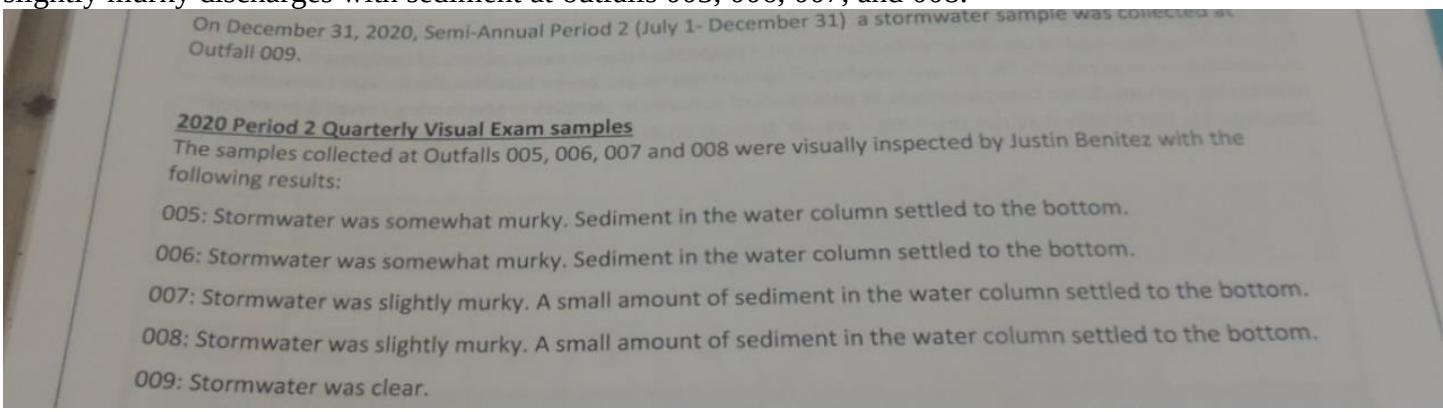
**Table 1** – Benchmark Exceedances from EPA ECHO database July 2019 to June 2021 (No benchmark samples were recorded for the period January to June 2020)

| Monitoring Period End Date | Parameter | Outfall | Units | Benchmark | DMR Value |
|---|---|---|---|---|---|
| 6/30/2021 | Iron, total recoverable | 2 | mg/L | 1 | 91.7 |
| 6/30/2021 | Zinc, total recoverable | 2 | ug/L | 110 | 11600 |
| 6/30/2021 | Aluminum, total recoverable | 2 | ug/L | 750 | 47300 |
| 6/30/2021 | Lead, total recoverable | 2 | ug/L | 69 | 1180 |
| 6/30/2021 | Iron, total recoverable | 3 | mg/L | 1 | 4.82 |
| 6/30/2021 | Zinc, total recoverable | 3 | ug/L | 110 | 154 |
| 6/30/2021 | Aluminum, total recoverable | 3 | ug/L | 750 | 4920 |
| 6/30/2021 | Iron, total recoverable | 4 | mg/L | 1 | 22.1 |
| 6/30/2021 | Zinc, total recoverable | 4 | ug/L | 110 | 1020 |

| Monitoring Period End Date | Parameter | Outfall | Units | Benchmark | DMR Value |
|---|---|---|---|---|---|
| 6/30/2021 | Aluminum, total recoverable | 4 | ug/L | 750 | 11500 |
| 6/30/2021 | Lead, total recoverable | 4 | ug/L | 69 | 269 |
| 6/30/2021 | Iron, total recoverable | 5 | mg/L | 1 | 5.31 |
| 6/30/2021 | Aluminum, total recoverable | 5 | ug/L | 750 | 3670 |
| 6/30/2021 | Iron, total recoverable | 6 | mg/L | 1 | 5.65 |
| 6/30/2021 | Zinc, total recoverable | 6 | ug/L | 110 | 155 |
| 6/30/2021 | Aluminum, total recoverable | 6 | ug/L | 750 | 3180 |
| 6/30/2021 | Iron, total recoverable | 7 | mg/L | 1 | 4.55 |
| 6/30/2021 | Zinc, total recoverable | 7 | ug/L | 110 | 754 |
| 6/30/2021 | Aluminum, total recoverable | 7 | ug/L | 750 | 2110 |
| 6/30/2021 | Iron, total recoverable | 8 | mg/L | 1 | 3.06 |
| 6/30/2021 | Zinc, total recoverable | 8 | ug/L | 110 | 623 |
| 6/30/2021 | Aluminum, total recoverable | 8 | ug/L | 750 | 1320 |
| 6/30/2021 | Iron, total recoverable | 9 | mg/L | 1 | 13.2 |
| 6/30/2021 | Zinc, total recoverable | 9 | ug/L | 110 | 2130 |
| 6/30/2021 | Aluminum, total recoverable | 9 | ug/L | 750 | 5040 |
| 6/30/2021 | Lead, total recoverable | 9 | ug/L | 69 | 651 |
| 6/30/2021 | Iron, total recoverable | 10 | mg/L | 1 | 5.01 |
| 6/30/2021 | Zinc, total recoverable | 10 | ug/L | 110 | 562 |
| 6/30/2021 | Aluminum, total recoverable | 10 | ug/L | 750 | 2230 |
| 6/30/2021 | Lead, total recoverable | 10 | ug/L | 69 | 1330 |
| 6/30/2021 | Iron, total recoverable | 11 | mg/L | 1 | 10.1 |
| 6/30/2021 | Zinc, total recoverable | 11 | ug/L | 110 | 221 |
| 6/30/2021 | Aluminum, total recoverable | 11 | ug/L | 750 | 5560 |
| 6/30/2021 | Lead, total recoverable | 11 | ug/L | 69 | 79.9 |
| 12/31/2020 | Iron, total recoverable | 5 | mg/L | 1 | 1.73 |
| 12/31/2020 | Zinc, total recoverable | 5 | ug/L | 110 | 210 |
| 12/31/2020 | Aluminum, total recoverable | 5 | ug/L | 750 | 1760 |
| 12/31/2020 | Iron, total recoverable | 6 | mg/L | 1 | 3.58 |
| 12/31/2020 | Zinc, total recoverable | 6 | ug/L | 110 | 4310 |

| Monitoring Period End Date | Parameter | Outfall | Units | Benchmark | DMR Value |
|---|---|---|---|---|---|
| 12/31/2020 | Aluminum, total recoverable | 6 | ug/L | 750 | 3650 |
| 12/31/2020 | Lead, total recoverable | 6 | ug/L | 69 | 213 |
| 12/31/2020 | Iron, total recoverable | 7 | mg/L | 1 | 1.31 |
| 12/31/2020 | Zinc, total recoverable | 7 | ug/L | 110 | 526 |
| 12/31/2020 | Zinc, total recoverable | 8 | ug/L | 110 | 1270 |
| 12/31/2020 | Aluminum, total recoverable | 8 | ug/L | 750 | 1080 |
| 12/31/2020 | Zinc, total recoverable | 9 | ug/L | 110 | 112 |
| 12/31/2019 | Iron, total recoverable | 6 | mg/L | 1 | 1.82 |
| 12/31/2019 | Zinc, total recoverable | 6 | ug/L | 110 | 344 |
| 12/31/2019 | Aluminum, total recoverable | 6 | ug/L | 750 | 1160 |

Additionally, Quarterly Visual Monitoring Results from the last quarter of 2020 indicated murky or slightly murky discharges with sediment at outfalls 005, 006, 007, and 008.



On December 31, 2020, Semi-Annual Period 2 (July 1- December 31) a stormwater sample was collected at Outfall 009.

**2020 Period 2 Quarterly Visual Exam samples**

The samples collected at Outfalls 005, 006, 007 and 008 were visually inspected by Justin Benitez with the following results:

005: Stormwater was somewhat murky. Sediment in the water column settled to the bottom.

006: Stormwater was somewhat murky. Sediment in the water column settled to the bottom.

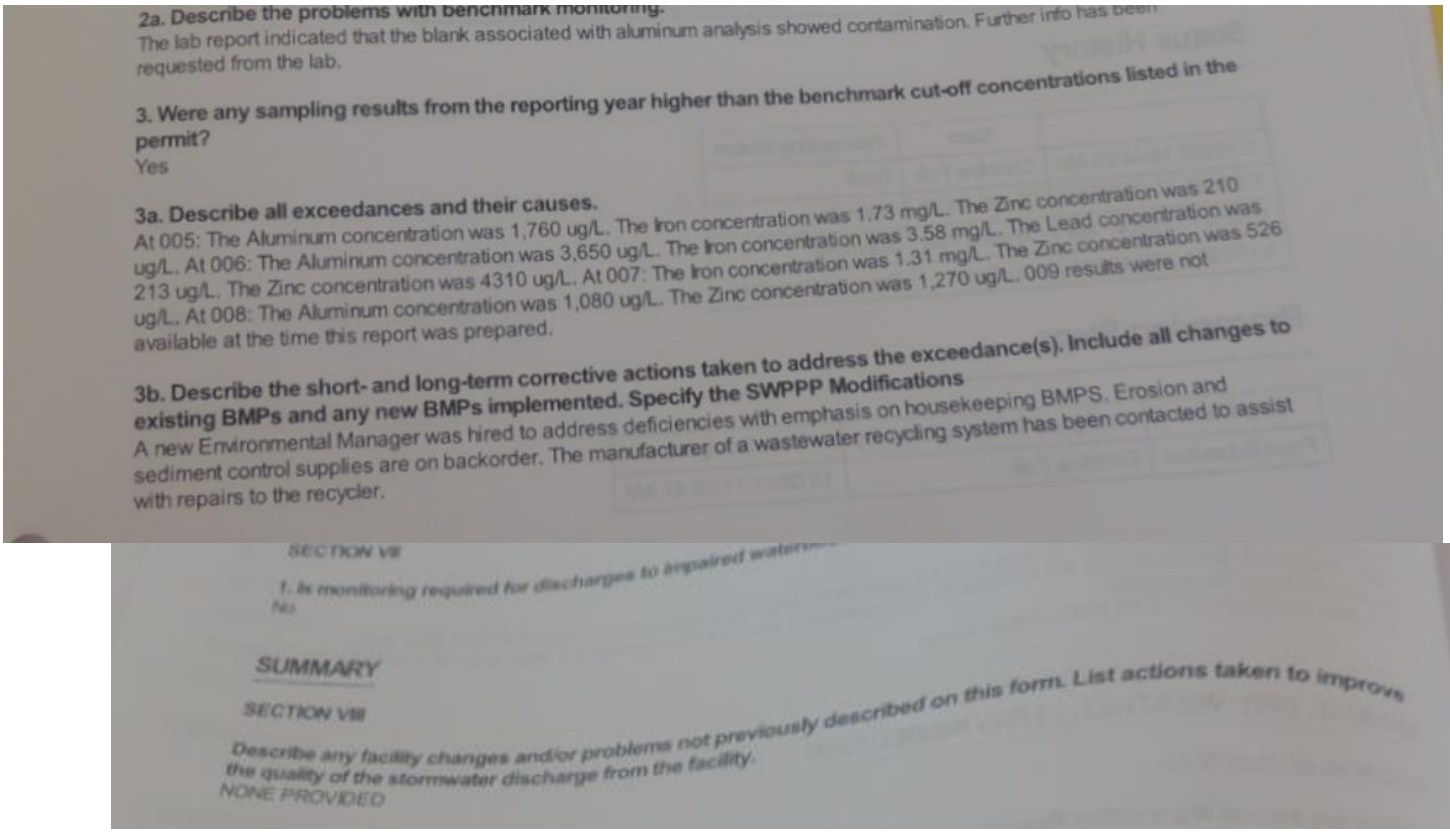
007: Stormwater was slightly murky. A small amount of sediment in the water column settled to the bottom.

008: Stormwater was slightly murky. A small amount of sediment in the water column settled to the bottom.

009: Stormwater was clear.

Part V.A of the MSGP states that when the benchmark sample results indicate exceedances of the pollutants, the owner or operator must: 1. Inspect the facility for potential pollutant sources of stormwater contamination and/or causes of the exceedances; 2. Implement additional non-structural and/or structural BMPs to address any sources of contamination; 3. Revise the facility's SWPPP; and 4. Continue efforts to implement additional BMPs at the facility if corrective actions do not result in achieving benchmark monitoring cut-off concentrations and/or numeric effluent limitations. Part V.C of the MSGP states that owners or operators must document the existence of any of the conditions listed in Parts V.A of V.B within 24 hours of becoming aware of such condition and should be kept with the facility's SWPPP.

The Annual Compliance Report submitted January 2021 (seen below) stated the following relative to benchmark exceedances, "new environmental manager was hired to address deficiencies with emphasis on housekeeping BMPS. Erosion and sediment control supplies are on backorder. The manufacturer of a wastewater recycling system has been contacted to assist with repairs to the recycler."



2a. Describe the problems with benchmark monitoring.
The lab report indicated that the blank associated with aluminum analysis showed contamination. Further info has been requested from the lab.

3. Were any sampling results from the reporting year higher than the benchmark cut-off concentrations listed in the permit?
Yes

3a. Describe all exceedances and their causes.
At 005: The Aluminum concentration was 1,760 ug/L. The Iron concentration was 1.73 mg/L. The Zinc concentration was 210 ug/L. At 006: The Aluminum concentration was 3,650 ug/L. The Iron concentration was 3.58 mg/L. The Lead concentration was 213 ug/L. The Zinc concentration was 4310 ug/L. At 007: The Iron concentration was 1.31 mg/L. The Zinc concentration was 526 ug/L. At 008: The Aluminum concentration was 1,080 ug/L. The Zinc concentration was 1,270 ug/L. 009 results were not available at the time this report was prepared.

3b. Describe the short- and long-term corrective actions taken to address the exceedance(s). Include all changes to existing BMPs and any new BMPs implemented. Specify the SWPPP Modifications
A new Environmental Manager was hired to address deficiencies with emphasis on housekeeping BMPS. Erosion and sediment control supplies are on backorder. The manufacturer of a wastewater recycling system has been contacted to assist with repairs to the recycler.

SECTION VII

1. Is monitoring required for discharges to impaired waters...
No

SUMMARY

SECTION VIII

Describe any facility changes and/or problems not previously described on this form. List actions taken to improve the quality of the stormwater discharge from the facility.
NONE PROVIDED

Corrective Action forms for the benchmark exceedances on December 5, 2020 noted the benchmark exceedances but did not include any corrective actions for addressing the benchmark exceedances or the 4th quarter visual inspections (See Att. 7) as required by Part V.A of the MSGP.

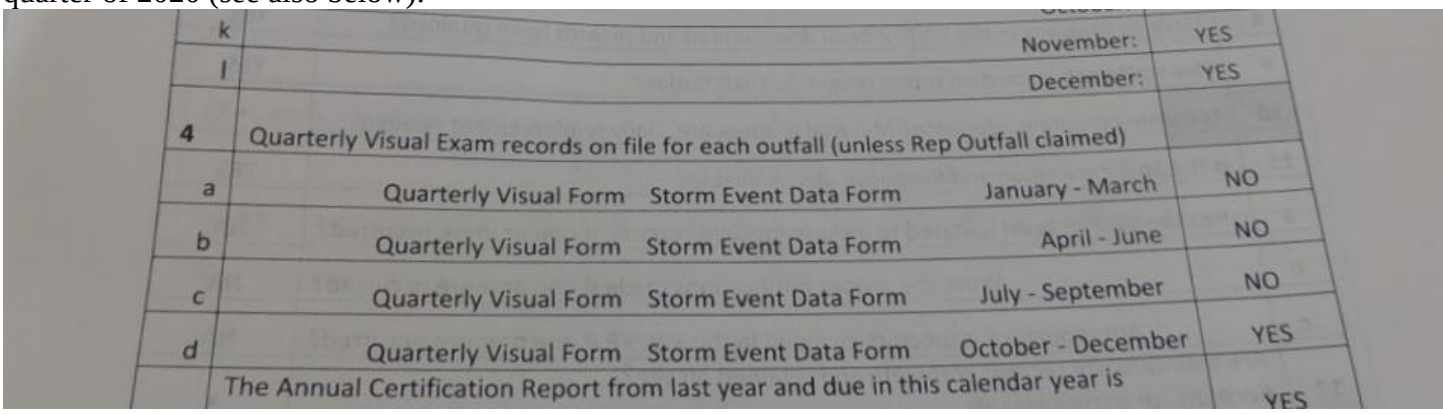
4. Part IV.D of the Permit requires semi-annual benchmark monitoring if there is a discharge during this period. Based on review of the submitted data in ECHO as well as the Marina's annual report summary, there was no semi-annual benchmark monitoring in the First half of 2020 at any outfall. Based on rainfall data at the National Weather Service Rain Gauge at John F. Kennedy Airport there were at least 13 events with precipitation of 0.5 inches or greater as seen in the table below. Based on these precipitation amounts it is expected that there was a discharge from one or more of the Facility's outfalls that was required to be monitored for benchmarks in accordance with Part IV.D of the Permit.

**Table 2** – Rainfall data JFK gauge January to June 2020.

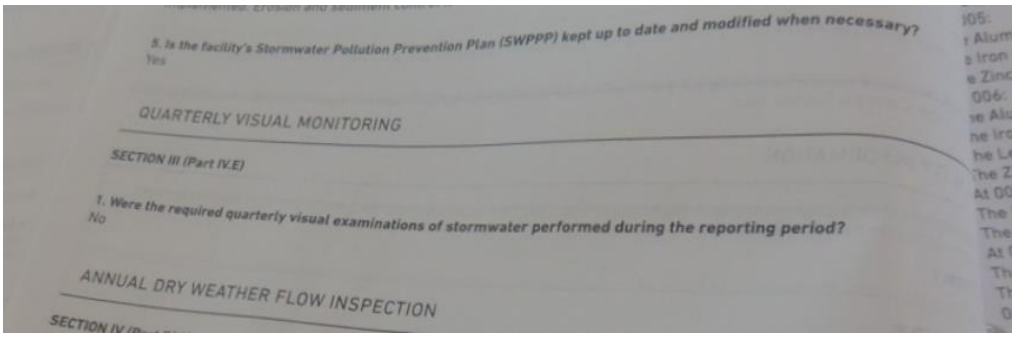
| JFK Rain Gauge | ID: 305803 |
|---|---|
| Latitude: 40.64 degrees | |
| Longitude: -73.76 degrees | |
| **Date** | **Precipitation** |
| mm/dd/yyyy | Inch |
| 1/18/2020 | 0.58 |
| 1/25/2020 | 0.89 |
| 2/6/2020 | 0.7 |

| | |
|---|---|
| 2/27/2020 | 1 |
| 3/19/2020 | 1.07 |
| 3/23/2020 | 1.28 |
| 4/13/2020 | 1.14 |
| 4/24/2020 | 0.6 |
| 5/23/2020 | 0.52 |
| 6/3/2020 | 0.55 |
| 6/5/2020 | 0.79 |
| 6/11/2020 | 0.77 |
| 6/28/2020 | 0.52 |
| 7/10/2020 | 2.33 |
| 7/22/2020 | 0.69 |
| 7/31/2020 | 1.07 |
| 8/12/2020 | 0.5 |
| 8/27/2020 | 0.69 |
| 9/3/2020 | 0.51 |
| 9/10/2020 | 1.36 |

5. Part IV.E. of the Permit requires that visual inspections be conducted on a quarterly basis. As shown in Attachment 8, Status of 2020 submittals, Quarterly Visual Inspections were not conducted in the first, second and third quarter of 2020 despite that there were 6, 7, 7 precipitation events greater than or equal to 0.5" in each of the 3 quarters respectively. Quarterly visual monitoring was conducted in the fourth quarter of 2020 (see also below).



| | | | | |
|---|---|---|---|---|
| k | | | November: | YES |
| l | | | December: | YES |
| 4 | Quarterly Visual Exam records on file for each outfall (unless Rep Outfall claimed) | | | |
| a | Quarterly Visual Form | Storm Event Data Form | January - March | NO |
| b | Quarterly Visual Form | Storm Event Data Form | April - June | NO |
| c | Quarterly Visual Form | Storm Event Data Form | July - September | NO |
| d | Quarterly Visual Form | Storm Event Data Form | October - December | YES |
| | The Annual Certification Report from last year and due in this calendar year is | | | YES |



9. Is the facility's Stormwater Pollution Prevention Plan (SWPPP) kept up to date and modified when necessary?
Yes

QUARTERLY VISUAL MONITORING

SECTION III (Part IV.E)

1. Were the required quarterly visual examinations of stormwater performed during the reporting period?
No

ANNUAL DRY WEATHER FLOW INSPECTION

6. Part VII. Q of the Permit requires Routine Monthly inspections of the Marina. Part VI of the Permit requires retention of monitoring records for 5 years. There were no records of monthly inspections for February, March, July and August 2020. Additionally, for the reports that were available for January to June 2020, the inspection reports did not include the year (they just listed the month and day, not the year).

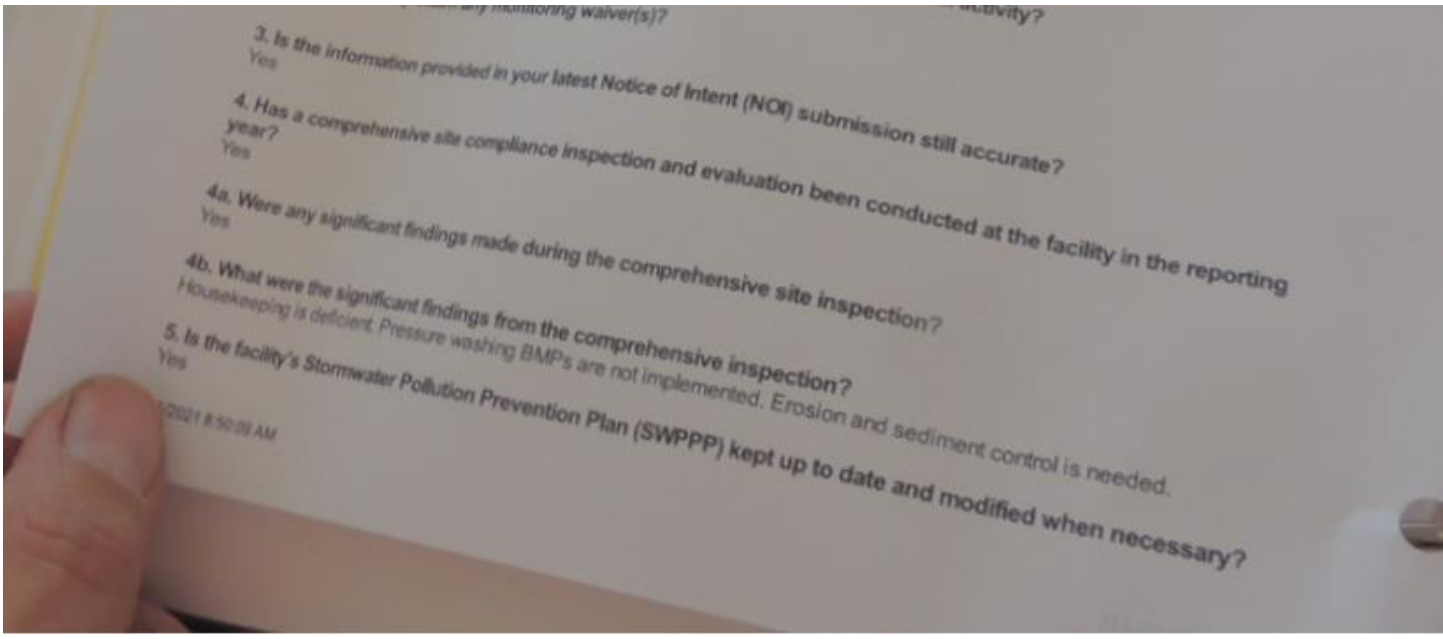
7. Part IV.B of the MSGP requires Routine Inspections of BMPs. Part VII.Q of the MSGP requires that routine inspections be conducted on a monthly basis at Water Transportation Facilities. Part IV.B.4 of the MSGP specifies that any deficiencies in the implementation and/or adequacy of the BMPs must be documented and corrective actions in accordance with Part V of the MSGP be implemented. Part V.A.2. of the MSGP specifies that corrective actions shall be conducted within 12 weeks after discovery unless written approval obtained from the Regional Water Engineer. Based on a review of the routine monthly inspection reports for the period September 2020 to February 2021 deficiencies identified during the routine inspections were not corrected in a timely manner because they repeated over a 6-month period as described in the table below.

**Table 3 -** Repeat deficiencies identified in the monthly routine inspection reports from September to February 2021.

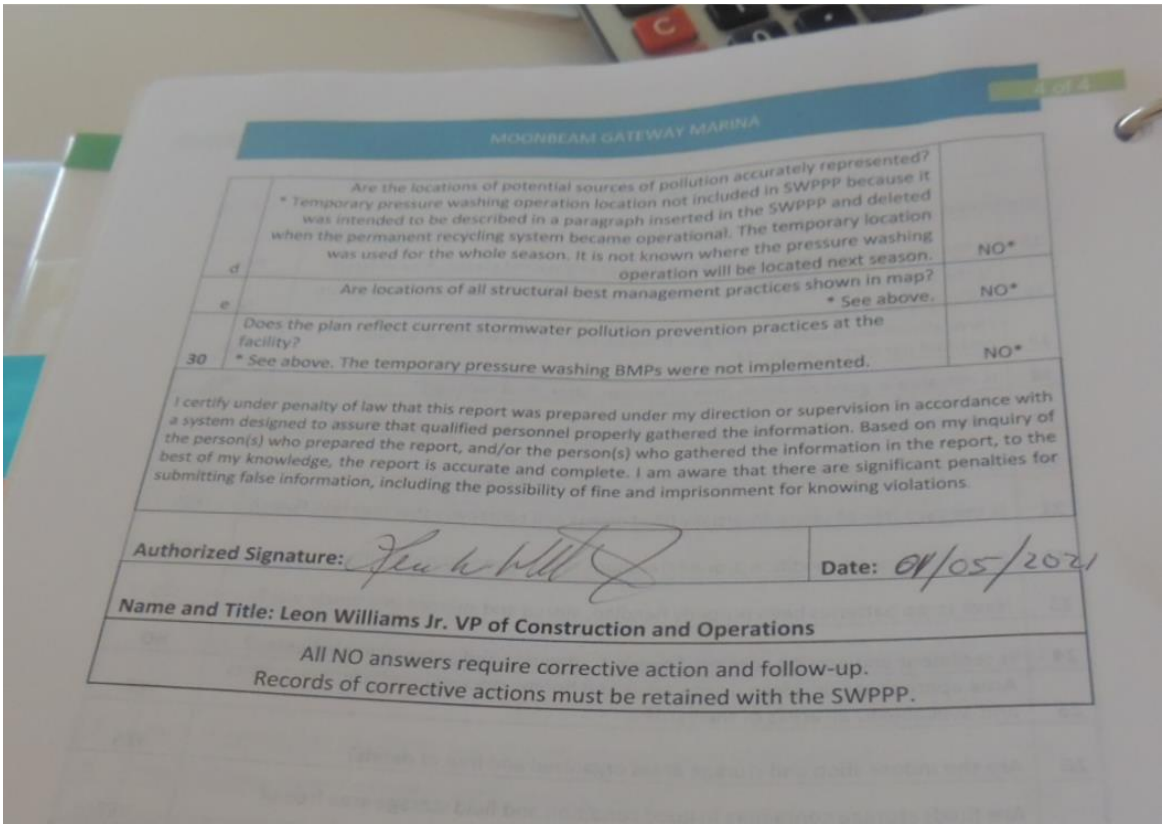
| **Sub-paragraph** | **Area Issue** | **Deficiency Description** | **Monthly Inspections that identify the issue.** |
|---|---|---|---|
| a. | Perimeter | Litter and other refuse | Sept. 20 to Feb. 21 |
| b. | Perimeter | Staining/Particulates | Sept. 20 to Feb. 21 |
| c. | Perimeter | Evidence that Maintenance or repair activities are too close to perimeter | 9/28/20 to Jan. 21. |
| d. | Outfalls | Not all outfalls are represented in site maps and authorized under the MSGP. (and also need to evaluate whether some can be removed) | 9/20, 10/20, 1/21, 2/21 |
| e. | Ground Surfaces | Complete and thorough inspection of all ground surfaces. Ensure there is no accumulated trash, residue from spills, evidence of poor housekeeping by patrons, staff or contractors. | Sept. 20 to Feb. 21 |
| f. | Workshops/Quonset Hut | Fluid storage, anode/battery storage – several housekeeping/storage/safety issues identified. | Sept to Nov. 2020 and January 2021 |
| g. | Exposed Work Areas | Ensure ground surfaces are free of residuals, color and particulates.<br>Ensure containers are closed, secured and put away when not in use | Sept. 20 to Jan 21 |
| h. | Used Oil/Liquid Storage | Unattended fuel containers, containers not closed when in use or tanks and drums not in good condition, or not centered over spill pallets. Fluids not stored per applicable regulations (note Nov. 20 was locked and not accessed). | Sept 20, Oct. 20, Dec. 20, Jan 21, (used oil storage shed reported locked and not inspected Jan.21) Feb. 21 |

| | | | |
|---|---|---|---|
| i. | Forklift, travel lifts, vehicles | Check areas where equipment is stored when not in use to confirm preventative maintenance is being performed. | Sept. 20 to Feb. 21 |
| j. | Ground Surfaces under pressure washing surfaces | Ensure wastewater recycling system is in good condition and operating as intended and Ensure overspray and washwater is controlled and not conveyed to surface water. | Sept 20 to Feb. 21 |

The Annual Compliance Report submitted in January 2021 indicated that housekeeping is deficient, pressure washing BMPs are not implemented and erosion and sediment control is needed. (See item 4.b. below)




8. The pressure washing operation not seen on Site Map. Potential pollution sources must be included on the Site Map as required by Part III.A.6 of the MSGP



MOONBEAM GATEWAY MARINA

| | | |
|---|---|---|
| d | Are the locations of potential sources of pollution accurately represented? * Temporary pressure washing operation location not included in SWPPP because it was intended to be described in a paragraph inserted in the SWPPP and deleted when the permanent recycling system became operational. The temporary location was used for the whole season. It is not known where the pressure washing operation will be located next season. | NO* |
| e | Are locations of all structural best management practices shown in map? * See above. | NO* |
| 30 | Does the plan reflect current stormwater pollution prevention practices at the facility? * See above. The temporary pressure washing BMPs were not implemented. | NO* |

I certify under penalty of law that this report was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered the information. Based on my inquiry of the person(s) who prepared the report, and/or the person(s) who gathered the information in the report, to the best of my knowledge, the report is accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Authorized Signature: Date: 01/05/2021

Name and Title: Leon Williams Jr. VP of Construction and Operations

All NO answers require corrective action and follow-up.
Records of corrective actions must be retained with the SWPPP.

9. Corrective Actions - As shown in Attachment 9a, b and c, the Facility sent an email to EPA on November 1, 2021, that included corrective actions that will be taken and actions scheduled following the inspection, to address some, but not all of the above items listed above.

**B. AREAS OF CONCERN:**

1. At the time of the inspection, the EPA Inspector identified the following at the Facility:

   a. As shown in Photos 1077 and 1078 (Att. 1) there are unused/inoperable vehicles being stored on-Site.

   b. Gasoline in the Quonset hut was being stored in a polyethylene 55-gallon drum. Please provide the Spill Prevention Control and Countermeasures ("SPCC") Plan for the Facility that lists the allowable containers for storing gasoline. Gasoline is listed as a chemical that can be absorbed to varying degrees by polyethylene causing swelling, weight-gain, softening and some loss of yield strength (https://www.cdf1.com/technical%20bulletins/Polyethylene_Chemical_Resistance_Chart.pdf).

   c. As shown in photos 1088 to 1094 some of the boats stored on-site were unused, decaying boats in that were considered derelict. The Facility has inventoried the boats and determined which ones are derelict and said it would work through the disposal protocols, which was said to be a lengthy process.

2. During the inspection Park Service employees indicated that fill from off-site was brought onto the site and as a result there was an ongoing NYSDEC wetlands case for filling of wetlands or wetlands buffer lands at the site.

3. In addition to any SWPPP modifications required by the Permit for Corrective Actions. The 2021 SWPPP that was submitted needs to be revised in accordance with Part III.E of the Permit:
    a. Section 1.0 – The Stormwater Pollution Prevention Team, lists Capt. Bernie Schachner as the signator and supervisor as well as Daniel Margolin, neither of which appear to be involved at this Facility.
    b. Section 2.0 lists that the Facility is between Flushing Avenue and Dead Horse Bay instead of Flatbush Avenue.
    c. to include additional Best Management Practices, Operation and Maintenance changes, bathroom tank inspections, and additional measures to comply with the MSGP including its Preliminary Corrective Actions dated October 30, 2021 (Att. 9) submitted to EPA following the inspection.

**Other Inspection Information**

1. EPA was able to view on-site:
    d. Annual Compliance Report (ACR) – January 2021 (for 2020);
    e. Corrective Action Forms for Sept. 2020, Oct. 2020, Oct. 2019 for items detected during routine inspections;
    f. Annual Employee Training Sign In Sheets – April/March 2021 (2 employees) October 2020 (7 employees) March 2019 (6 employees);
    g. Annual Dry Weather Flow Monitoring - 2020 and 2019 dry weather inspection report and certification.
    h. 2021 Stormwater Pollution Prevention Plan

## CLOSING:

At the conclusion of the inspection, EPA and NPS representatives held a closing conference with the Facility representatives on-Site including a representative via telephone, and discussed the preliminary findings and observations of the inspection. The closing conference began at approximately 3PM (EST).

## ATTACHMENTS:

Attachment 1 - EPA Photographs from the October 15, 2021 inspection
Attachment 2 - NOI December 2018
Attachment 3 - Monthly Routine Inspections September 2020 to February 2021.
Attachment 4 - Monthly Routine Inspection September 30, 2021.
Attachment 5 - MSGP Task Calendar
Attachment 6 - 2020 Monitoring Summary
Attachment 7 - Corrective Action forms for December 5, 2020 benchmark exceedances
Attachment 8 - Annual Compliance Summary 2020
Attachment 9 - Preliminary Corrective Actions dated October 30, 2021, emailed to EPA 11/1/21.